

The image features a cream-colored background with large, blue, textured letters. The letters 'LA' are positioned in the upper half, and the letter 'W' is in the lower half. The blue has a grainy, hand-painted appearance. To the right of the 'LA' is a block of red text.

LA

**FORD FOUNDATION
GRANTEES
AND THE PURSUIT
OF JUSTICE**

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Foreword

by Susan V. Berresford, *president of the Ford Foundation*

The Ford Foundation works on a broad range of issues around the globe. All told, the work currently involves fifteen field offices in the United States, Latin America, Africa, Asia, and Russia, along with thousands of grantees.

In 1996, in order to maximize the potential of our global network of staff and grantee partners, we began to develop a set of projects that would systematically build understanding of the ways in which funding patterns and grantee work have developed across time and across regions. We wanted to uncover the similarities and differences in grantees' work on a particular topic, hoping such efforts would yield lessons for future funding by Ford and other donors, and provide valuable information for Ford grantees as well.

One of those efforts has focused on the Foundation's work in the area often called "public interest law." For more than forty years, the Foundation has supported groups using a variety of strategies to make the legal system available for disadvantaged people in vastly different settings. Grantees have been involved in test case litigation, law reform research, clinical legal education, indigent legal services, paralegal and judicial training, and mediation, among other efforts, at local, national, regional, and international levels.

In early 1998, Mary McClymont, senior director of the Foundation's Peace and Social Justice program, assembled an international team of legal scholars, activists, and social scientists to conduct an in-depth look at the activities of the Foundation and its grantees in the area of law-related work. The Global Law Programs Learning Initiative focused much of its research on five countries: China, South Africa, the Philippines, Bangladesh, and the United States; and two regions: Eastern Europe and the Andean and Southern Cone areas of South America. Additional visits were made to other countries where Ford works. Team members reviewed literature, conducted on-site visits, and interviewed Foundation staff, grantees, and other experts. The lessons that emerged from their work are compiled in a separate volume of papers for funders, practitioners and legal analysts, entitled *Many Roads to Justice: The Law-Related Work of Ford Foundation Grantees Around the World*.

This publication provides a glimpse of that larger story, including several highlights and insights drawn from the work. The story of grantees' efforts strongly suggests that public interest law approaches can make a real difference in the lives of the disadvantaged communities we seek to assist.

Introduction

For forty years the Ford Foundation has enabled organizations around the world to use law to better the lives of disadvantaged people and secure their rights. In South Africa, Ford-supported organizations successfully challenged apartheid's racist laws and contributed to building constitutional and legal orders for the new democracy. In the United States, Foundation grantees have fought in the courts for the civil and political rights of African Americans and women, as well as immigrants and other minorities. In the Philippines, grantees have helped women battle gender violence, farmers win land rights, the urban poor secure housing, and indigenous peoples control their ancestral territories. In post-Communist societies in Eastern Europe, Ford support helped build the first generation of public interest law organizations. And grantees based in Latin America have been among the first to use international law to compel their governments to respect fundamental human rights. Foundation support for law-related work is now provided through eleven of its offices around the globe.

Human rights, social justice, and equity may seem like abstract ideals until they are threatened close to home. The law-related programs of the Ford Foundation are designed to breathe life into these concepts by helping grantees around the world use the law to gain redress and empowerment.

Working in a field often labeled “public interest law,” grantee organizations use the law to promote the rights and advancement of traditionally underrepresented or marginalized people and to further social justice. They seek to reform laws and legal institutions; help people gain access to legal systems and receive fairer treatment from them; and generally build capacities to claim a full range of human rights.

In the 1980s and 1990s, as the practice of public interest law has grown, the Foundation has responded with support to organizations addressing a wide range of issues. In recent years, grantees have pressed constitutional claims before the U.S. Supreme Court and advocated for indigenous people's rights in the world's most remote regions. They have demanded accountability from gross violators of international human rights standards and helped American girls gain equal access to sports in school. They have waged the struggle for civil rights in the United States and the campaign for human rights worldwide, at times exposing themselves to harassment, repression or even physical attack. It would take volumes to recount the wide range of legal and human rights efforts supported by the Foundation. This publication provides only a brief glimpse of the key public interest law-based approaches used by grantees around the world.




Ford Foundation Law Programs: Enduring Values, Evolving Strategies

“Values—judgments about what is right and wrong and important in life—help steer our lives and institutions,” says Foundation President Susan V. Berresford. “The legal framework of a society affects the way people think and the way that they act. If a society values the rule of law as part of its culture, the law can be used as a tool to hold governments accountable on behalf of all its citizens.”

The Foundation’s law-related programming is guided by four goals articulated in its mission statement: to strengthen democratic principles, reduce poverty and injustice, promote international cooperation, and advance human achievement. The core purposes of Ford’s law work—promoting the rule of law to hold governments accountable for their actions, fostering the full participation of people in decisions that affect their lives, and seeking equity and justice for marginalized groups—have remained consistent for the last forty years.

Upon assuming the Foundation’s presidency in 1966, McGeorge Bundy emphasized using the law to advance the Foundation’s goals. Bundy stated it plainly: “Justice is first of all in the list of things we take for our concern.” And law, he declared, “must be an active, not a passive force. It is both urgent and right that the law should be affirmatively and imaginatively used against all forms of injustice.”

Shortly after succeeding Bundy as Foundation president in 1979, Franklin Thomas re-emphasized Ford’s commitment to defending basic rights. He noted that this also served other Foundation goals. “Fundamental civil and political liberties, and economic, social and cultural rights are at the center of the Foundation’s vision of a just and humane world,” he wrote. “In many settings, work to establish or protect these rights can reinforce and complement efforts to reduce the poverty and suffering of the disadvantaged.” The Foundation focused on capacity-building assistance for disenfranchised groups, enabling them to advocate on their own behalf. It also renewed its focus on American society’s most severely disadvantaged groups.



“Values—judgments about what is right and wrong and important in life—help steer our lives and institutions,”

Susan V. Berresford, Ford Foundation President, 1996-present

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McGeorge Bundy, Ford Foundation President, 1966-1979

“Fundamental civil and political liberties, and economic, social and cultural rights are at the center of the Foundation’s vision of a just and humane world.”

Franklin A. Thomas, Ford Foundation President, 1979-1996

Internationally, Ford increasingly supported nongovernmental organizations (NGOs) as leading participants in the fight for human rights. An important element of this work supports local NGO leaders who can bring a knowledge of grassroots realities to their societies' policy debates.

Ford's law programming has taken varied routes toward realizing its basic goals. Over the years, the Foundation's strategies have evolved as it has learned from grantees and responded to new political realities. It has sought to listen carefully to its partners, and to follow their lead in adapting law work to local contexts, a strategy born of early experience.

Ford law-related grants mainly support NGOs because their dynamism, flexibility, and grasp of on-the-ground realities make them vital to many social change efforts. And because local NGOs know their societies' needs and opportunities often better than external funding organizations, the Foundation relies heavily on their judgment and usually offers flexible support so they can exercise that judgment in adapting to changing circumstances. The Foundation also acts on the assumption that social change is a gradual process. It is committed to long-term engagement with effective grantees who help raise the rule of law from rhetoric to reality.

“Once funders pick an area in which they'd like to be active, bank on ideas and people [who know the country best]. Choose key individuals and institutions and support them in what they want to do. The focus must be on changing social and material conditions on the ground.”

Geoff Budlender, former executive director, Legal Resources Centre, South Africa

“Along the way, we encountered a lot of developments or needs we hadn't predicted. Ford gave us a lot of room to define our agenda.”

Evalyn Ursua, executive director, Women's Law Bureau, the Philippines

After a brief summary of the Foundation's early history in the legal field, several highlights follow of the more effective law-related strategies that Foundation partners have used over the years.



Early History

Support for public interest law efforts began in the United States and focused initially on defending indigents. Before the early 1960s, most poor people who found themselves in court were essentially left to their own devices—they couldn't afford lawyers and courts didn't provide them. In 1959, the Foundation funded the National Legal Aid and Defender Association (NLADA) to establish a National Council on Law Clinics. It promoted the legal profession's responsibility to serve the indigent and gave law students direct experience in poverty-related legal issues. It also provided poor people with access to justice. In the United States and internationally, law clinics have since continued to bring quality law graduates to the practice of public interest law.

The Foundation increased support to NLADA in 1962, providing its National Defender Project with \$2.6 million in seed money to create offices for the defense of indigent clients. This grant presaged by a few months *Gideon v. Wainwright*, a case in which the U.S. Supreme Court declared that criminal defendants are entitled to legal defense regardless of their ability to pay for counsel.

Like many of the Foundation's subsequent grants in the law area, the National Defender Project was a catalyst for similar efforts.

The Foundation funded legal defense centers under that project and under its "Gray Areas Program," which began in 1965. It helped alleviate urban poverty by providing poor people with legal assistance on various civil matters including housing, education, and government benefits. These centers soon became the model for the nationwide legal services program of the federal Office of Economic Opportunity, precursor of the Legal Services Corporation created in 1974.

By the mid-1960s, Ford support for groups undertaking litigation marked its more direct participation in promoting civil rights in the United States, particularly for minorities. Foundation backing for public interest law and legal services through the next decades included a strong push for women's rights, and extended to strategies beyond litigation, such as policy research, public education, and media campaigns.



*U.S. lawyers appearing in court
in 1963 on behalf of defendants.*



Above: Sharon Dunn, a victim of domestic violence, was assisted by the Med-Shore Council on Family Violence in Maryland.

At Right: Charles Cole's landlord repaired unsafe conditions in his apartment thanks to the Legal Aid Bureau in Baltimore.



At Left: The Maryland Disability Law Center helped Odessa Nelson when her motorized wheelchair broke down.

Below: Rachel Gray was represented by Heartly House when she sought protection from domestic abuse and legal custody of her daughter.



Interest on Lawyers' Trust Accounts

All over the world, poverty prevents many from gaining access to justice. A Foundation-supported initiative of the 1980s helped popularize in the United States an idea that originated in Australia—funding legal services for the poor by pooling and then collecting the interest from separate small sums that attorneys hold briefly in trust for their clients. These funds had traditionally sat in scattered, non-interest bearing accounts.

The Foundation helped launch Interest on Lawyers' Trust Accounts (IOLTA) programs in fourteen states. Now the program operates in fifty states and the District of Columbia. In the state of New York in 1992 alone, the program aided nearly two hundred thousand people on issues including housing, immigration, disability, and domestic violence. Without this assistance, most of these people would have been without legal representation.

Since 1981, IOLTA programs have delivered more than \$1 billion nationwide to legal services agencies, although low interest rates over the past several years have reduced their impact. They were a particularly important resource in the 1980s and 1990s as the government cut its support for legal aid to the poor.

The Foundation's law-related grantmaking outside the United States emerged in part from a desire to protect Foundation grantees subjected to repressive regimes that seized power in many Latin American countries during the 1960s and 1970s. Grants enabled some of those most at risk to continue their work in exile. Opponents of military rule, including academics blacklisted from university posts, were helped to found social science think tanks and research centers in several countries that helped foster the return of democracy. The Brazilian Center for Policy and Analysis, for example, was launched in 1969 with Ford support to provide a base for academics forced from university posts by the country's then military regime. One of its founders, Fernando Henrique Cardoso, eventually won Brazil's presidency and assumed office in 1995. These actions to rescue individuals planted the seeds of broader programs: first to protect civil and political liberties, and later to assist societies' most vulnerable groups and advance their social and economic rights.

The Foundation gradually increased its emphasis on human rights issues in Africa and then Asia in response to requests from grantees in those regions during the 1970s. By then, the Foundation saw the strengthening of non-governmental law-related groups as part of a long-term strategy to help build a robust human rights infrastructure that could survive its opposition.

Issue-oriented international human rights groups received funding in the 1970s to conduct research on development, security assistance, and the human rights implications of U.S. foreign policy. Among them were the Committee to Protect Journalists, the International Commission of Jurists, the Lawyers Committee for Human Rights, and Physicians for Human Rights, all of which continue to be supported by the Foundation today. Several groups undertaking broader human rights documentation and advocacy became Foundation grantees, including the U.S.-based Human Rights Watch. The Foundation also funded research, training, and exchanges at prominent American universities, including programs that brought together human rights advocates from around the world.

The initial support for the promotion of human rights gradually expanded in the 1980s and 1990s, as more groups working in the United States and abroad adopted the kinds of public interest law strategies described below. These grantees are working to make law a tool to protect people's rights and improve their well-being.



*Human Rights Watch researcher
Andre Lommen (second from left)
interviewing Kosovar refugees,
1999.*

Public Interest Law Strategies

The following are but a few of the law-related strategies grantees use to pursue equity and social justice. Those featured here are public interest litigation, policy research, university-based legal aid clinics, and grassroots activism and advocacy. Public interest litigation can affect large groups of people and create policy changes. Policy research often provides the basis for law reform efforts. University-based legal aid clinics create a “pipeline” for new public interest lawyers and offer direct legal services to disadvantaged individuals and communities. Grassroots activism and advocacy enables nonlawyers to use the law on behalf of themselves and others.

Litigation

In the United States in the mid-1960s the Foundation moved explicitly to support grantees that used litigation to ensure the constitutionally guaranteed rights of groups that suffer acute and systemic discrimination. Funding was also propelled by the belief that ensuring these rights benefits society as a whole, as well as marginalized groups.

Advancing Minority and Women's Rights in the United States

In the United States, Foundation support is credited with helping galvanize a “revolution” in public interest law that has made an enduring contribution to the status of women and minorities. The Foundation’s ongoing support for several of the nation’s premier public interest law firms has enabled them to address pressing civil rights issues.

In 1967, the Foundation began long-term, core support of the National Association for the Advancement of Colored People Legal Defense and Educational Fund (LDF), after awarding it a series of smaller project grants over the previous fifteen years. Founded in 1940 under the leadership of Thurgood Marshall, who later became a U.S. Supreme Court Justice, the LDF was by the mid-1960s a highly experienced and prestigious organization. It had won court victories, although many came only after long, bruising, and costly legal battles, including arguing for the plaintiffs in the landmark 1954 Supreme Court decision against “separate but equal” schooling in *Brown v. the Board of Education*. The LDF was already receiving Foundation funds to run the National Office for the Rights of the Indigent. Expanded support enabled the LDF to take on more complex and costly cases, and to better train new generations of lawyers in the art of civil rights litigation.

Support for the Lawyers' Committee for Civil Rights Under Law, which maintained a strong presence in the southern United States, also began in 1967. Over the next six years, the Foundation helped propagate the LDF's successful model by providing start-up grants for the Mexican-American Legal Defense and Educational Fund (MALDEF), the Native American Rights Fund (NARF), and the Puerto Rican Legal Defense and Education Fund (PRLDEF). The LDF and its newer sister groups sought cases that would have impact far beyond the redress of individual grievances. They used the equal protection clause of the Fourteenth Amendment to the United States Constitution to win court victories in areas of employment, housing, education, and voting rights.

The LDF, the Lawyers' Committee for Civil Rights Under Law, and the American Civil Liberties Union initiated litigation in the 1980s and 1990s that helped to increase minority political participation, especially in the south-

ern United States. For example, a case brought by the LDF and the Lawyer's Committee in 1990 led to a U.S. Supreme Court decision clearing the way for the enforcement of the Voting Rights Act in judicial elections that gave minority voters meaningful participation in those elections for the first time. Legal remedies are today being pursued in a variety of other discrimination and equal access cases involving employment, education, environmental equity, and housing. A lawsuit in 1994 in Connecticut, *Sheff v. O'Neill*, required the state to remedy racial and economic isolation of students in public schools. The suit was brought by LDF, PRLDEF, and an affiliate of the American Civil Liberties Union, among others.

The Four-Corners Power Plant in Farmington, New Hampshire was the subject of NARF litigation.

Inset: Staff at the Native American Rights Fund, led by John Echohawk.



While funding organizations that promote rights of various disadvantaged and minority groups, the Foundation recognizes that these groups' aims may vary according to context. For instance, NARF Executive Director John Echohawk notes: "Equality and civil rights were not at the top of our agenda. Our struggle was about the protection of our tribes and the assertion of our treaty rights that are guaranteed by federal law." NARF, over the years, has brought most of the landmark cases that have redefined the status and powers of tribal governments, strengthened Native American rights, and asserted historic claims to land, water, and other resources guaranteed in treaties forged over the last two centuries.

PRLDEF scored an important victory for equal educational opportunity when its lawsuit on behalf of Puerto Rican students in New York City resulted in a consent decree that required schools to provide Spanish language instruction in 1974. Over the years, MALDEF, founded in 1968, has won numerous cases that expanded voting rights, improved schooling, and secured more equitable employment practices on behalf of Latinos. In 1982, for example, in a case brought by MALDEF and other groups, the U.S. Supreme Court established the principle that it is unconstitutional to deny undocumented schoolchildren a free public education.



Founded in 1968, MALDEF has pursued equal education opportunities on behalf of Mexican American students through the years.

Here, a teacher leads her students in an English class after a student walkout in 1968.

The Foundation has continued to support many of these longstanding grantees and has also helped support the creation of new ones. The National Asian Pacific American Legal Consortium, created in 1991, is today at the forefront of legal efforts to assert Asian and Pacific American rights. It produces a national annual audit of hate crimes against Asian-Pacific Americans and defends the constitutionality of hate crime statutes in court. The

Immigrants' Rights Project of the American Civil Liberties Union and the National Immigrant Legal Support Center have each successfully challenged laws that sharply restrict the rights of noncitizens in the United States. In scores of cases across the country, the ACLU has challenged recent restrictions on judicial review of immigration claims, achieving crucial victories upholding the right to federal court review.

"There's enormous judicial deference in the area of immigration that doesn't exist in other civil rights areas. But there have been significant advances. And I think the question is, where would we be without the litigation effort? And where we would be is absolutely nowhere."

Lucas Guttentag, director, American Civil Liberties Union Immigrants' Rights Project, U.S.

For close to three decades, Foundation support has also promoted women's rights. Its president, Susan Berresford, managed portions of the Foundation's women's rights work in the United States in the 1970s. Modeled on the earlier work and strategies used on behalf of minority groups, women's legal groups have been particularly effective in addressing gender equality in the United States.

The first Ford grantee working specifically on women's issues was the Women's Law Fund of Cleveland, founded in 1971 to litigate gender discrimination cases. In one early case, the fund challenged the Cleveland school board's policy that prohibited pregnant women from teaching. After a ruling by the U.S. Supreme Court, the school board was forced to change its policy, and the fund took on other workplace discrimination cases on a national basis.

Another grantee, the National Women's Law Center, funded initially in 1981, has in recent years initiated extensive litigation under

Title IX of the Equal Opportunity Act, which requires equal treatment for males and females in any institution accepting public funds. As a result of its work, female athletes now have the same opportunities as their male counterparts. In a 1999 U.S. Supreme Court case brought by the center, the Justices found that a public school system must protect students from repeated and serious sexual harassment by fellow students. Another grantee, the American Civil Liberties Union, created the Women's Rights and Reproductive Freedom Projects, which were initially directed by Ruth Bader Ginsburg, a current U.S. Supreme Court Justice.

In 1992, Ford supported the creation of the Center for Reproductive Law & Policy. With many states attempting to restrict women's reproductive rights, the center has been successful in overturning numerous laws that courts found to violate a woman's right to an abortion.

Under Title IX of the Equal Opportunity Act, female athletes in the United States now have the same opportunities as their male counterparts.



At Left: The Legal Resources Centre in South Africa won a land claim on behalf of the Makuleke community, benefitting 2500 families.

Below: FORJA staff provide legal assistance for clients like the woman at left in Valparaiso, Chile, 1995.

Litigation Worldwide on Behalf of Marginalized Groups and Interests

Internationally, public interest litigation is a promising and increasingly popular strategy for protecting and promoting rights, and it has already borne fruit in various countries. The Foundation began supporting such work in the 1970s at the Legal Resources Centre (LRC) in South Africa. LRC and others' challenges to apartheid's legal structure helped pave the way for South Africa's transition to democracy and demonstrated that law could be used by advocates to seek justice, and not only by the South African government to impose repression. LRC has continued to represent disadvantaged South Africans since the fall of apartheid.



In Latin America, the Office for the Defense of the Rights of Women in Peru is bringing cases on women's rights, especially targeting sexism in advertising, while Citizen Power in Argentina and the Corporation for Legal Training for Citizenship and Democracy (FORJA) in Chile are bringing litigation addressing rights of minorities and women, as well as environmental concerns. In Brazil, the Nucleus for Black Studies (NEN) works to combat racial discrimination by using test

case litigation in conjunction with a variety of other strategies. In 1995, NEN won a landmark decision, when, in the first racism case heard before a Brazilian high court, the dismissal of an electric company employee was found to have resulted from intentional and unlawful discrimination. NEN has also taken on new cases seeking to restore nineteenth century land grants to now landless African Brazilians descended from slaves. In another landmark case, the European Roma Rights Center in 1998 represented a young Roma who was arrested and beaten by police officers in Bulgaria. That case, argued before the European Court of Human Rights, was the first successful defense of a Romani person in an international court of law.

During Nigeria's military dictatorships, several Foundation grantees persisted in demanding judicial relief for human rights violations even in an environment where court rulings were often ignored. The Constitutional Rights Project (CRP), founded in 1990, went to court frequently, filing class action suits and taking on high impact cases on behalf of arrested political activists and other detainees, often naming senior police and governmental officials as respondents. CRP, together with other Nigerian human rights groups, even challenged the legality of the military government itself.

Newer groups that have begun using litigation as a tool for defending and promoting rights in Nigeria include the Shelter Rights Initiative and the Social and Economic Rights Action Center (SERAC), both founded in 1995. SERAC filed cases in Nigerian courts on behalf of thousands of children who were deprived of education in 1990 when the military government demolished their families' homes—as well as their schools, clinics, and markets—in Maroko, an informal settlement of 300,000 people outside Lagos. In a groundbreaking effort, SERAC, as of this writing, had persuaded a court to hear a case against the government asserting that the demolition violated the children's right to education under international human rights law.



Above: Training for NEN legal professionals on anti-discrimination legislation in Brazil.

At Right: Selected SERAC staff with displaced market women in the Maroko community in Nigeria.





"Litigation has been of strategic importance to bring about change in Nigeria. We have taken on cases even when we knew we were going to lose because a case has advocacy content and it helps open up public discussion on an issue and creates a possibility of change."

Clement Nwankwo, executive director, Constitutional Rights Project, Nigeria



Above: Marek Nowicki, who directs the Helsinki Foundation, at a conference, "Human Rights for Human Development," in Yalta.

At Left: Martín Abregú (right), director of CELS, and a team of lawyers including Víctor Abramovich and Sofía Tiscornia use the courts to expand human rights in Argentina.

"With its experience in litigation since the 1970s, after the return to democracy, CELS is trying to introduce other NGOs to a new strategy in the region: public interest litigation."

Martín Abregú, executive director, Center for Legal and Social Studies, Argentina

In Argentina, the Center for Legal and Social Studies (CELS) has established credibility for its effective and ongoing use of test cases to strengthen human rights protection. Its legal expertise and reliable research make it a key resource for regional and international organizations working within the Inter-American and United Nations human rights systems to secure rights. Elsewhere, groups are also using litigation as a tool to strengthen the protection of basic rights. Poland's Helsinki Foundation for Human Rights practices public interest law as part of a multiprogram approach that has marked its emergence from a Communist-era under-

ground resistance committee to a prominent and respected organization promoting rights in a democratic system.

In Israel, the Association for Civil Rights (ACRI) has won a number of landmark Supreme Court decisions, promoting such fundamental rights as freedom of expression and protection from gender discrimination. ACRI played a leading role in bringing a case before the Israeli Supreme Court challenging the use of interrogation methods by Israeli authorities against Palestinian detainees. In 1999, the Supreme Court, in a historic unanimous decision, outlawed the use of physical force in interrogations.

Policy Research

Collecting information and generating analyses are important tools of legal activism, especially when used in tandem with litigation, advocacy, or other strategies. Foundation support in 1991 for the Diego Portales Law School in Chile enabled researchers there to produce important academic and pragmatic work, including a study on comparative judicial reform. With this expertise, the legal analysts later helped develop reforms in the judicial system, and criminal procedures that strengthen human rights protections for the accused.

In China in the 1980s, the Administrative Law Research Group, a Ford-funded group of legal scholars, studied potential changes in administrative law at the behest of the national legislature. The group's work contributed to laws that, among other things, established the right of citizens to sue government agencies and officials.

In Russia in the early 1990s, academic lawyers suddenly found themselves in demand as criminal and civil codes and the constitution itself came under review, and as topics such as the use of jury trials emerged on the policy agenda. Support for several groups, including the International Committee for the Promotion of Legal Reform in Russia and the Human Rights Project Group, was instrumental in furthering reforms.

In South Africa, the Centre for Applied Legal Studies (CALS) at the University of the Witwatersrand couples extensive research with policy advocacy. CALS and other university-based institutes receiving Foundation support provided information about human rights violations to foreign law professors, policy analysts, and broader international audiences engaged in antiapartheid activism. Contributions ranged from CALS's analyses of apartheid's legal structure to a University of Cape Town Institute of Criminology study that documented the torture of detainees.

In countries undergoing democratic transition, the Foundation has provided assistance to groups working to draft new constitutions that enshrine basic rights. For example, Ford-supported research on constitutionalism enabled prominent South African scholars and formerly exiled antiapartheid activists to contribute key elements to that country's new constitution. In Russia, the Moscow Center for the Study of Constitutionalism in Eastern Europe, through *The East European Constitutional Review*, has worked to build a scholarly and policy community in Russia that is well informed about international constitutional thinking and is able to integrate these ideas into domestic constitutional debates. In South America, both the Andean Commission of Jurists and the Colombian Commission of Jurists have used research to help shape and implement constitutional reform in several countries. In the

“Ford Foundation support helped us highlight the shortcomings of the Chilean legal system as we were trying to influence its reform.”

Jorge Correa, former dean, Diego Portales Law School, Chile

United States, the Foundation in 1988 funded the American Council of Learned Societies to promote multinational exchanges among lawyers, scholars, and politicians across the globe, linking strong local efforts with the broader international legal community.

In Israel, B'Tselem (The Israel Information Center for Human Rights in the Occupied Territories) relies on research, documentation, and targeted public advocacy to press for Israeli adherence to international and national human rights standards in the Occupied Territories. Founded in 1989, B'Tselem has maintained

impressive credibility while defending unpopular concerns. The effective use of credible research combined with astute advocacy highlights violations that both domestic and international audiences find hard to ignore. For example, B'Tselem's 1997 report on administrative detention was the catalyst for a multiorganization campaign against detentions without trial, which resulted in a significant decrease in the use of long-term administrative detention.

Working within legal systems to promote rights requires a sound knowledge of how existing laws affect the real world. Policy research offers activists a tool to persuade communities and policymakers that change to further social justice is necessary.



B'Tselem publications.

University-Based Legal Aid Clinics

University-based legal aid clinics provide legal services to the poor and disadvantaged while training potential public interest lawyers and raising student consciousness about human rights and social justice. Such programs help eliminate the distance between the world of legal education and social problems that can be addressed through law. Clinics are now an accepted and widespread component of legal education in the United States and are increasing in number worldwide.

By the early 1980s, most of South Africa's twenty-one law faculties had established clinics. By the 1990s, eight of them were being supported by Ford. The University of Natal-Durban Campus Law Clinic has provided residents of disadvantaged urban and rural areas legal help on domestic violence, child custody, and divorce issues. It has also advised subsistence farmers on land rights claims.

We are "trying to get students to redefine what thinking like a lawyer is.... So, for example, with land claims, we have to get historians and town planners and lawyers working together."

Asha Ramgobin, director, University of Natal-Durban Campus Law Clinic, South Africa



Students at the legal aid clinic of Jagellonian University in Poland interview clients.

To build its sustainability, it has been able to secure financial support from post-apartheid governmental institutions that share its vision of a more just society.

In Krakow, Poland, Jagellonian University founded a law clinic in 1997 that is today among a small group that have become models for other clinics throughout Eastern and Central Europe. The clinic offers legal advice to the poor and refugees, and provides students with the skills and motivation to practice public interest law. This is especially important there, since decades of Communist rule bred widespread

Public interest law is hard to translate and understand in any local language of the region. "In the past, the 'public interest' was seen to be pursued by the state procurator, not by lawyers pursuing social change. The creative work of lawyers was limited."

Dimitrina Petrova, executive director, European Roma Rights Center, Hungary



Students in the law clinic of the Kursk Regional Open Social Institute in Russia.

distrust of the legal system. Founded in 1986, the National Law School of India University in Bangalore sponsors a vibrant law clinic that provides client counseling, mediation, and community legal literacy instruction. It has become a magnet for other universities in South Asia seeking to launch similar programs. Foundation grants enabled Bangladeshi professors to visit and study there, thus helping to create three new university-based clinics in their country.

The Ateneo de Manila Law School's Human Rights Center in the Philippines has provided valuable public interest law training, exposure, and practical experience for Filipino students. Tver State University outside Moscow launched a summer school to train students from across Russia in practical legal skills. And in China, the Centre for Women's Law Studies and Legal Services of Peking University is using students and law professors to address a range of issues, including violence against women. Other Foundation-backed law clinics in Chile, Argentina, and elsewhere are also having a positive impact on social justice issues.

Some university clinics concentrate services on specific legal issues or population groups. Other clinics file or support class action suits where possible. These strategies can complement the work of other organizations that focus on, for example, the status of women, the environment, the rights of HIV/AIDS patients, refugees, and asylum seekers. Wide jurisprudential impacts and public education can also flow from clinic work. Even cases that are lost can help influence the media and public opinion, and increase understanding of human rights and the legal system.

“Contact between law students and NGOs is important to creating future public interest lawyers. Hopefully public interest law firms will evolve from law clinic graduates.”

Eleonora Zielinska, professor, University of Warsaw, Poland

Grassroots Activism and Advocacy

In countries where legal structures and institutions provide inadequate protections for human rights or afford limited access to courts, some grantees have undertaken educational and advocacy work as a long-term strategy to build public support. Community involvement that can help promote reform and ensure implementation of laws on the books is an even more crucial mobilization tool where participatory governance is weak or absent.

In many low-income communities across the globe, individuals not formally trained in the law are playing pivotal roles in making law a reality in people's lives. They may be paralegals with some specialized training who provide legal assistance to disadvantaged groups. Grantees also conduct more general legal awareness activities that can help people use the law to help themselves.

The concept of paralegal services has traveled well around the world, with significant local adaptation, across cultures and political contexts. It is especially important in countries with few lawyers and less-educated populations. Foundation-funded paralegal programs support an amalgam of efforts aimed at human rights, poverty alleviation, and environmental protection. They exemplify the frequent overlap between law-oriented work and Ford's other programs.

Kenya's Legal Advice Centre, a longstanding Ford grantee in East Africa, has developed a model of community organizing and legal services now replicated in various informal settlement communities. Using paralegals and lawyers, it assesses community problems of high priority to residents and addresses the legal problems of local citizens, whether landlord-tenant disputes, garbage disposal, children's well-being, or other concerns.

The West Bank-based Palestinian human rights group, al-Haq/Law in the Service of Man, has trained paralegals to inform the public and advise clients on the legal resources available to them, and to assist in finding remedies for rights violations. The paralegals record violations, file reports with the appropriate bodies, track cases and intervene directly on behalf of clients through inquiries, meetings, and follow-up with the relevant authorities. Working under difficult conditions of occupation, al-Haq's paralegals, supervised by lawyers, have gained redress for clients who have lost their homes, been held in detention without trial, or were forced to separate from their families because of residency restrictions. Other rights groups in the Middle East have emulated al-Haq's approach and benefited from its paralegal training and exchange program.



Yu Guixin, assistant director of the Qianxi County Rural Women's Legal Services Centre in Hebei Province, China, advises an elderly couple whose sons have fallen behind on legally required support payments.

In the Philippines, Foundation support to grantees Kaisahan, Saligan, and other NGOs has enabled them to train farmers to become paralegals. The assistance has allowed many potential beneficiaries of a national agrarian reform law to receive adequate representation and claim their land rights before quasi-judicial adjudication bodies. The training has been crucial to land reform, which has often been delayed by landowners' obstructionist legal tactics or intimidation.

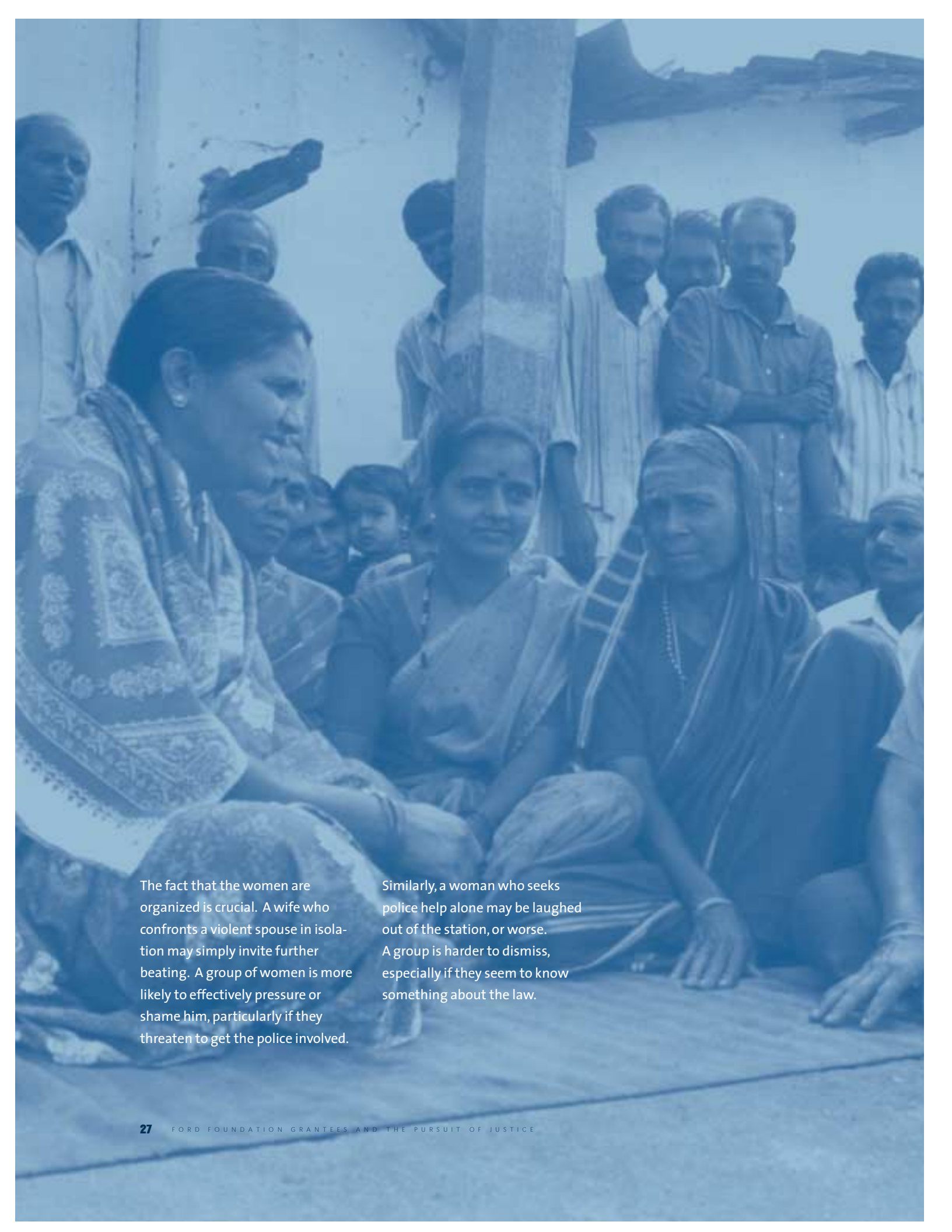
One lawyer of the NGO Kaisahan in the Philippines recalls law professors instructing him that "law is harsh, but it is the law." By virtue of subsequent work with farmers, "I've learned that being a lawyer is not merely following the narrow letter of the law, that the court can also be persuaded, and that I can still do something that addresses the needs of marginalized sectors."

Magistrado Mendoza, coordinator of legal affairs, Kaisahan, the Philippines

In several countries, varied paralegal strategies are being used to protect and promote women's rights. Namibia's Legal Assistance Centre has deployed lawyers and trained paralegals to help women seek redress for domestic violence, unfair divorce proceedings, failure of fathers to pay child support, and other matters. Based in southern India, Hengasara Hakkina Sangha aims to empower women by teaching them legal skills that can help them gain access to government services and legal protections. After the training, women have banded together to combat domestic violence and demand higher wages required by law.

In China's Hebei Province, the Qianxi County Rural Women's Legal Services Centre provides legal assistance to rural women. Paralegals dispense advice, mediate disputes, staff educational outreach desks at weekly rural markets, and occasionally refer cases to lawyers. The Qianxi County Centre's efforts are proving that, given the knowledge and opportunity, rural Chinese women will pursue legal remedies to protect their rights and interests.





The fact that the women are organized is crucial. A wife who confronts a violent spouse in isolation may simply invite further beating. A group of women is more likely to effectively pressure or shame him, particularly if they threaten to get the police involved.

Similarly, a woman who seeks police help alone may be laughed out of the station, or worse. A group is harder to dismiss, especially if they seem to know something about the law.



*Shalish taking place at the MLAA's
Shalish Centre, Madaripur
Bangladesh, 1997.*

In Porto Alegre, Brazil, one of the country's largest metropolitan areas, the Themis-Feminist Legal Studies and Assistance Nucleus has created a grassroots paralegal program that prepares poor women to be rights advocates and legal advisors to their peers. These women are trained about rights of violence victims, workers (especially those subjected to racial discrimination), and women, and in the area of sexual and reproductive freedom. Working from small "women's information stations," these community paralegals have emerged as trusted intermediaries with police, the educational and health systems, and judicial authorities.

A grassroots approach has also been employed in Bangladesh, where, with Foundation backing, several organizations such as the Ain O Shalish Kendra and the Madaripur

Legal Aid Association (MLAA) adapted indigenous forms of mediation known as *shalish* to help women seek justice outside official courts. In Manila, the Women's Legal Bureau (WLB) has used paralegal mediation, community pressure, and the threat and reality of litigation to stem domestic violence against women. The WLB has also achieved national policy impact by advising official commissions and agencies.

Grantees providing community legal education often use creative tactics and spur residents to advocate on their own behalf while bringing media attention to local problems. One Foundation grantee, the Women's Center for Legal and Social Counseling in East Jerusalem, has conducted mock trials to increase awareness of women's rights. The Women's Model Parliament, organized in 1998, generated



Women participating in selected events at the Women's Model Parliament in East Jerusalem sponsored by the Womens Center for Legal and Social Counseling.



“Through the Women’s Model Parliament, we discovered new allies and more women became interested in studying Shari’a [Muslim law]. It forced women to rethink their status and be creative. It forced the government to create a committee to study family law. There is recognition now that this [family law] has to be changed, which is a big change from just three years ago.”

Maha Abu-Dayeh Shamus, Women's Center for Legal and Social Counseling, East Jerusalem

extensive Palestinian media attention and a wider public debate over its proposals for changes in the personal status laws affecting women. The Parliament called for amendments that would raise the legal age of marriage, allow women to refuse marriage proposals, grant women sole custody of their children, and increase legal rights and protections for women in cases of divorce. The Parliament also called for stronger criminal sanctions against rape and domestic abuse, broader legal education for women, and stronger provisions for equality in the workplace.

Kenyan grantees have demonstrated a particular flair for packaging legal information in understandable and usable forms. Given that many of the poor are illiterate, some of the products take the form of radio dramas, interactive plays and audio tapes. The Legal Resources Foundation of Kenya employs all of these devices to address such issues as domestic violence and women's inheritance rights. Where it relates directly to target audiences (as opposed to working through media), it employs a “participatory principle” that emphasizes the active component in learning: “I hear, I forget; I see, I remember; I do, I know.”



Finally, in Peru, the Institute of Legal Defense (IDL) has developed legal aid services, paralegal training, and human rights education for rural communities. Its work with local authorities and organized peasant groups has given human rights concrete meaning in the countryside and helped reintegrate people displaced by more than a decade of political violence. IDL complements this grassroots education with an imaginative use of radio, including a twice-weekly program broadcast by forty-eight stations throughout the country that relates principles of human rights to everyday problems.

Members of the Kiamicin Drama Youth Group perform at the Kianyaga Township in Kenya. The Legal Resources Foundation helps organize such groups to convey legal information.



*The Centre for Social Justice
in India at work, and conducting
a street play.*

Integrating Strategies and Finding New Partners

Many grantees recognize that the battle for human rights requires a combination of strategies such as those just described, as well as partnerships with other sectors. In India, the Centre for Social Justice (CSJ) uses community education, paralegal training, an education program for judges and lawyers, and policy advocacy to help expand social justice for disadvantaged groups and communities. CSJ sometimes resorts to litigation, but it is not necessarily seen as the best response in many situations. Citizen Power, an Argentine NGO, produces manuals on defending women's rights and protecting the environment; it conducts workshops to train NGOs in the use of law; and it undertakes high impact litigation.



Similarly, Nigeria's Constitutional Rights Project litigates, but also conducts policy research and education on citizens' rights. Banchte Shekha, a women's movement in Bangladesh, has integrated innovative legal services into its broader health, education, organizing, and livelihood work. Manuel Pulgar, director of the Peruvian Society of Environmental Law, says, "We do not rely on litigation alone. We use the press, present petitions to the administration, and lobby the boards of corporations investing here to achieve our goals."

Allies from sectors beyond the legal world can also prove invaluable. In six Russian cities, the Association of Russian Crisis Centers has recruited lawyers to work with

psychologists counseling domestic violence victims on their legal rights. In the United States, the National Partnership for Women and Families undertakes public education activities and coalition building with organizations like the American Medical Association, as well as large corporations. Recently, the National Partnership has forged links with Coca-Cola, GTE, and Delta Air Lines, using their leverage as the primary purchasers of health care insurance plans to improve the quality of service for women and families. The National Partnership is not only broadening its traditional base of supporters, it also is expanding its activities to promote social change through means beyond litigation.

*At Right: A briefing on
the U.S. census 2000 by
NAPALC staff.*



Grantees often use multiple approaches and strategies in combination. The National Asian Pacific American Legal Consortium (NAPALC), for example, has focused heavily on community education and outreach, as well as leadership-building work. “We don’t do litigation just to do litigation. It has to be capacity building somehow. Whether you’re doing grassroots organizing around the case, or using the case to educate the media, there has to be something more than the actual litigation itself.”

Karen Narasaki, executive director, National Asian Pacific American Legal Consortium, United States

Deciding when cooperation with government can be beneficial is also important. The choice of strategies by environmental law groups in the Philippines, such as Tanggol Kalikasan and the Environmental Legal Assistance Center, are often affected by local officials’ response to community priorities. These groups help communities work with elected leaders, press traditional politicians to consider more development-oriented initiatives, and challenge irresponsible or corrupt officials. Both groups have worked closely with local communities to provide high quality policy and administrative advocacy on land rights and related environmental issues.

Namibia’s Legal Assistance Centre has also contributed to national policy debates around legislation affecting women. While challenging official policy in some areas, it has also estab-

lished fruitful cooperation with the government. Its Gender Research Project developed a manual on child support that the Ministry of Justice published and distributed as a guide for magistrates throughout the country.

The efforts of grantees to build broader coalitions and wider public support reflect the fact that laws and court decisions alone do not always bring lasting progress. A combination of strategies is often the key to real and effective change. To learn more about these strategies and Ford’s experience in law-related work, see *Many Roads to Justice: The Law-Related Work of Ford Foundation Grantees Around the World*, which can be ordered from the Ford Foundation or found by logging on to the Ford Foundation Web site, www.fordfound.org.



Tanggol Kalikasan in the Philippines helps communities work with their local elected leaders through training and capacity-building efforts

“We see litigation as the tool of last resort. It is costly. It is long. And it is chancy. And particularly since 1980, the courts have not been our friends. But it’s the realization that you have the ability to litigate that gives you the credibility to use the other strategies effectively. And so to us, it’s a continuum—each tool, each strategy coming together for an end.”

Antonia Hernandez, president and director-counsel, Mexican-American Legal Defense and Educational Fund, United States

Conclusion

It isn't easy to measure the effects of law-related activities to achieve social justice. Sometimes the impact is clear: court victories are won, new laws are enacted, old laws are newly honored, and social customs are changed. In the most successful cases, remedies for injustice are secured. Jobs, land, housing, and education may be gained by those to whom they were illegally or unfairly denied. Human rights abusers may be brought to account. Yet, it may take many years for these and other results to materialize. Patience and perseverance can bring substantial rewards.

The Foundation's law programming will continue to be shaped by its grantees' judgment and its own decades of experience. A few general observations can be drawn:

► NGOs are increasingly important to legal reform. They may cooperate with governments or even assume traditional governmental functions, such as training officials or enlisting their support in addressing issues of common concern. But they also provide counterweights to government and other power centers by advocating for underrepresented populations. They can provide important means for traditionally marginalized groups to participate in societal decision making.

► Indigenous organizations with brave and innovative leaders are essential to long-term efforts to promote social change through the use of law. These grantees often best understand the needs of their societies and can respond nimbly to changing local contexts, usually better than external donors.

► Law-related work is becoming increasingly multifaceted, combining fundamental legal strategies with community organizing, civic education, or media campaigns; and enlisting allies from often unlikely places to serve as critical partners in achieving their goals. One size does not fit all. Creative adaptation of various strategies and partners works best.

► Efforts to improve the lives of marginalized people is a lengthy and complex process, often with initially intangible outcomes. Success requires a long-term commitment of resources to build the capacity of organizations and individuals.

Encouraging the rule of law, and empowering people to use legal strategies to secure their rights, remain crucial tools in building better societies around the world. In partnership with grantee organizations on the front lines of the struggle for social justice, the Ford Foundation is committed to supporting law-related efforts toward the goal of fairness and equity for all.

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